UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

EFD SPORTS, LLC, Plaintiff,

CIVIL ACTION NO. 4:24-CV-87-SDJ

BALLY'S CORPORATION, Defendant.

v.

JOINT MOTION TO EXTEND DISCOVERY, DISPOSITIVE MOTION, AND MEDIATION DEADLINES AND FOR STATUS CONFERENCE ON PENDING **MOTIONS**

Plaintiff EFD Sports, LLC ("EFD") and Defendant Bally's Corporation ("Bally's") file this Joint Motion to Extend the Discovery, Dispositive Motion, and Mediation Deadline contained in the Court's Order dated May 19, 2025. [ECF. No. 49]. In support of this motion, the parties state as follows:

The parties have engaged in initial discovery but are unable to complete discovery until after the substantive claims to be pleaded and the parties to the lawsuit are established. Plaintiff has filed two motions to amend its pleading in this case; its most recent motion seeks to add three individual defendants. [ECF Nos. 18 and 28]. Defendant has moved to dismiss the Plaintiff's First Amended Complaint and opposed both of the motions to further amend the pleadings and to join additional parties. [ECF Nos. 12, 25, and 29]. The parties have exchanged initial disclosures, including documents they believe are relevant, but additional written discovery and depositions depend on a determination of whether any claims survive the motion to dismiss and, if so, what claims and parties are subject to such discovery and claims.

Both Parties have designated experts, exchanged expert reports, and briefed the objections to Plaintiff's expert witness filed by Defendant. The current deadlines to complete discovery, file dispositive motions, and for mediation have passed. The Pre-Trial Conference is currently set for December 17, 2025, with a trial date to be set between January 5, 2026 and January 30, 2026.

The Parties request the Court to extend the pretrial deadlines and to set a status conference to discuss new settings to permit this case to proceed as quickly and efficiently as possible, but to allow the parties to complete discovery oncer the claims and parties are established. These extensions are not sought for delay, and the remaining deadlines on the Court's governing scheduling order and trial date will not be impacted by the extension requested above.

The parties respectfully request a Status Conference and potentially the entry of an amended scheduling order depending on the outcome of the conference and either granting or denying of pending Motions.

WHEREFORE, the parties jointly request the Court extend the deadlines as requested herein and schedule a Status Conference as requested and for the Court an opportunity to address the pending motions and a short period thereafter for the parties to engage in any additional discovery, including necessary depositions, and trial preparation needed.

Respectfully submitted,

/s/ Donald M. Kaiser Jr

DONALD M. KAISER JR.

State Bar No. 24025466

KAISER LEGAL SOLUTIONS, PLLC

5440 Harvest Hill Road, Suite 201

Dallas, Texas 75203

dkaiser@attorneysforbusiness.com

(214) 441-3000 (phone)

(214) 441-3001 (facsimile)

ATTORNEY FOR PLAINTIFF EFD SPORTS, LLC

AND

/s/ Blake A. Bailey

BLAKE A. BAILEY

State Bar No. 01514700

PHELPS DUNBAR LLP

2102 E. State Hwy. 114, Suite 207

Southlake, Texas 76092-7626

blake.bailey@phelps.com

(817) 305-0332 (phone)

(817) 488-3214 (facsimile)

ATTORNEY FOR DEFENDANT

BALLY'S CORPORATION

CERTIFICATE OF SERVICE

I certify that on this 5th of September 2025, a true and correct copy of the foregoing was served on all counsel of record pursuant to the Federal Rules of Civil Procedure.

/s/ Donald M. Kaiser Jr.

Donald M. Kaiser Jr.